

REMARKS

Priority was claimed in the originally filed papers and was not noted on the Filing Receipt. The amendment is entered out of an abundance of caution to insure the priority right claimed.

Claims 7 and 16 have been amended. Claims 7 to 26 remain active in this application.

Claims 7, 8, 11 to 13, 15, 16, 18, 19, 22, 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. publication. The rejection is respectfully traversed.

While the Ulrich et al. publication states thereon that it is for the Third Quarter of 1999, there is no date of publication thereon. It follows that, while the Ulrich et al. publication may be related to work done during the third quarter of 1999, it may not have been published until a date much later than the third quarter of 1999 and possibly subsequent to the filing date of the provisional application as noted above. It follows that, even were Ulrich et al. to teach that which is claimed in the rejected claims, Ulrich et al. may not be a proper reference under 35 U.S.C. 103(a). Furthermore, as logic would dictate, applicants herein conceived the invention in a manner "ready for patenting" much prior to the filing date of the provisional application as evidenced by the fact that, even after such conception, there was additional time required to prepare and file the provisional application. Accordingly, even were a publication date for the Ulrich et al. publication to be established even in the third quarter of 1999, it is likely that applicants herein will be able to swear back of Ulrich et al. Accordingly, until an actual publication for the Ulrich et al. reference can be established on the record, no prima facie case of

obviousness can be established and, for this reason, no prima facie case of obviousness has been established.

Claims 9, 10, 20, 21 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. publication in view of Ahmad et al. (U.S. 6,436,412). The rejection is respectfully traversed for reasons stated above since the publication date of the Ulrich et al. publication has not been established.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,



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